
September 23, 2026

The Honorable Shelley Moore Capito
Chairman
Committee on Environment and Public
Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public
Works
United States Senate
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Capito and Ranking Member Whitehouse:

In light of the Committee's September 23 hearing to Examine Updating America's Nuclear Waste Management Policy, attached please find Western Governors' Association (WGA) Policy Resolution 2025-07, Radioactive Materials Management.

Western Governors recognize the important role of nuclear energy in meeting growing demand and enabling more reliable, affordable, and abundant energy. As Congress and the Department of Energy develop Nuclear Lifecycle Innovation Campuses and consider durable nuclear waste disposal strategies, Governors emphasize that these strategies should be developed in close coordination with states and should appropriately consider state involvement, expertise, and consent in nuclear fuel cycle activities.

The Governors affirm that "no consolidated facility for nuclear waste, whether interim or permanent, or privately or federally owned and operated, shall be located within the geographic boundaries of a western state or U.S. territory without the written consent of the current Governor in whose state or territory the facility is to be located." Addressing the full nuclear fuel cycle, including the final disposition of used nuclear fuel, is critical to enabling the continued development of nuclear energy.

I request that this document be included in the permanent record of the hearing, as it articulates Western Governors' collective and bipartisan policy positions and recommendations on this important issue.

Thank you for your consideration of this request. Please contact me if you have any questions or require further information.

Sincerely,



Jack Waldorf
Executive Director

Attachment



Policy Resolution 2025-07

Radioactive Materials Management

A. BACKGROUND

Western states have a vested interest in the safe management of radioactive materials, from mining and milling of uranium ore, to the production and use of radioactive materials for commercial and national defense purposes, to the transportation, storage and disposal of radioactive materials and waste. Large amounts of high-level radioactive waste (HLW) have been, and will continue to be, transported through western states, both as a result of environmental cleanup of federal sites involved in the development and manufacture of nuclear weapons and for storage or disposal of spent nuclear fuel (SNF) used for research or to generate electricity.

The Waste Isolation Pilot Plant (WIPP) located in New Mexico was constructed to serve as a permanent repository for defense-related transuranic (TRU) waste. WIPP received its first truck shipment of TRU waste in 1999. Since then, the WIPP shipping campaign has consistently demonstrated the safe transportation of TRU waste. The success of the WIPP TRU waste transportation campaign is directly attributable to the collaborative partnership and planning effort between the Department of Energy (DOE) and western states to develop and implement the WIPP Transportation Safety Program.

B. GOVERNORS' POLICY STATEMENT

1. Western Governors believe that safe and event-free transport must be paramount in all federal policies regarding transportation of radioactive materials and SNF. This is true of all transportation modes, including truck and railway. The Governors support existing federal radioactive waste transport safety requirements designed to protect public health and safety, including the Hazardous Materials Transportation Authorization Act. Early coordination and effective communication with state, tribal, and local governments are essential to the ultimate success of any nuclear waste transportation safety program.
2. The WIPP Transportation Safety Program Implementation Guide is an excellent model for transportation planning, and a similar guide should be used as a base document for DOE transportation programs including shipments of SNF, or HLW, to any storage and/or disposal facility.
3. If DOE decides to transport radioactive waste – such as SNF, HLW or TRU – by rail, federal agencies should work with states to design and implement such a transportation system. The rail industry should fully cooperate in this process and commit to implementing best practices for such a transportation system. Congress should provide a firm legal basis for transportation system design and implementation.
4. Trains transporting SNF and HLW should be inspected by fully qualified inspectors, using a consistent approach which has been developed cooperatively with the help of western states. To the extent practical, the inspection protocol should be commensurate with the

Commercial Vehicle Safety Alliance Level VI inspection program, which has been successfully used by all highway shipments to WIPP.

5. The Federal Railroad Administration Rail Safety Program and revised Safety Compliance Oversight Plan should be fully implemented along any route affected by prospective SNF or HLW shipments in any western state. Five years prior to the start of such shipments, each affected western state should receive financial and technical support from DOE to ensure sufficient trained state rail safety inspectors.
6. The WIPP Transportation Safety Program is essential to the expeditious cleanup and disposal of TRU waste from the U.S. nuclear weapons complex and the operation of WIPP. Western Governors expect DOE to fulfill commitments made by the Secretary of Energy as set forth in Memorandums of Agreement with WGA signed in 1995, 2003 and 2009. DOE must continue to provide sufficient and timely in-kind, financial, technical, and other appropriate assistance to any state or Indian tribe through whose jurisdiction TRU waste will be transported for the purpose of planning, developing, and implementing the WIPP Transportation Safety Program. The Governors also expect DOE to follow the safety standards, principles and procedures as contained in the WIPP Transportation Safety Program Implementation Guide, as amended, for the transport of all TRU waste, whether to WIPP or to an interim site for storage, characterization, and/or repackaging.
7. DOE must continue to comply with both the letter and spirit of all applicable requirements specified in the WIPP Land Withdrawal Act (Pub. L. 102-579, as amended by Pub. L. 104-201, 106 Stat. 4777 et seq.), especially regarding transportation safety, emergency preparedness and accident prevention. Further, the Governors support resumption of the economic assistance payments authorized in Section 15 of the Act.
8. The Governors believe it is the responsibility of the generators of SNF and HLW and the federal government, not the states and tribes, to pay for all costs associated with assuring safe transportation, responding effectively to accidents and emergencies that may occur, and otherwise assuring public health and safety. This includes costs associated with route evaluations and inspecting and escorting shipments. In addition, funding allocations to states and tribes should be made on a needs-based rather than formula-based system.
9. In any radiological materials/waste shipping campaign, including SNF or HLW, no federal agency or other entity should have the authority to privatize or delegate to a contractor any key transportation responsibilities unless approved by the states. Such responsibilities include but are not limited to: interacting with states, tribes, and affected units of local government; selection of transportation modes, routes, and casks; preparation of an environmental impact statement that addresses transportation issues; preparation of transportation plans in concurrence with states and tribes; and decisions regarding the provision of technical assistance and funding to the states in preparation for shipments.
10. Although DOE has the authority to self-regulate its shipments of SNF and HLW, the Governors believe DOE should adopt the U.S. Nuclear Regulatory Commission (NRC) physical protection requirements for all such shipments. NRC regulations establish a comprehensive physical protection system designed both to minimize the potential for theft, diversion, or radiological sabotage of such shipments, and to facilitate the location and recovery of such shipments that may have come under the control of unauthorized persons.

11. DOE should invoke provisions of its Standard Contract with nuclear utilities to prioritize shut-down nuclear reactors over operating reactors in terms of shipment priority. In addition, DOE should adopt a policy of shipping “oldest fuel first,” so as to reduce the radiological risk during transportation.
12. The Governors strongly encourage DOE, NRC, the Department of Transportation (DOT), and the Environmental Protection Agency, to work cooperatively with the states and tribal governments in implementing a policy to ensure the safe management, transportation, storage, and disposal of SNF and HLW and to comply with any and all agreements negotiated and entered into by a state’s Governor and all applicable state laws regarding these matters.
13. No consolidated facility for nuclear waste, whether interim or permanent, or privately or federally owned and operated, shall be located within the geographic boundaries of a western state or U.S. territory without the written consent of the current Governor in whose state or territory the facility is to be located. Specifically, the federal government should develop a consent process for consolidated nuclear waste storage or disposal facilities, whether publicly or privately owned, that explicitly includes states in the siting and licensing process.
14. Any proposal to store or otherwise dispose of HLW and/or SNF must be viewed as being part of an integrated program that considers all aspects of necessary operation and intergovernmental considerations. Specifically, states, localities, and tribes should be consulted about transportation and logistical considerations such as proximity to population centers, tribal lands, or military installations along transportation routes or near proposed sites prior to initiating such a project. Further, states, localities, and tribes that could be directly and materially affected by the transport to, storage in, or disposal at a particular facility must be consulted in the decision-making process, regardless of whether the transportation routes or sites are located within their geographic boundaries.
15. Commercial SNF should remain at reactor sites until:
 - One or more storage and/or disposal sites or reprocessing facilities are fully operational with appropriate permits and financial assurance as required by the state.
 - DOE and the nuclear utility companies have consulted with states along the waste transportation corridor and implemented a mutually acceptable transportation plan for shipping the SNF waste to interim storage facilities or permanent disposal sites.
 - DOE and the nuclear utility companies have put into place adequate infrastructure capacity to handle, store and dispose of this waste.
 - DOE, DOT, and the nuclear utility companies have ensured and funded adequate state and local emergency and medical responder training and resources in case of an accident or terrorist attack while shipping this waste.
16. The creation of interim storage sites for SNF would be a direct result of the federal government’s failure to begin accepting spent fuel on schedule. Therefore, the Governors maintain that it is the federal government’s responsibility to ensure adequate preparation for shipments to these facilities, coordination with states, and provision of adequate federal

funding, to reimburse the states for costs associated with shipments to any interim storage facility, whether publicly or privately owned and operated. The Governors consider it to be entirely appropriate to use the Nuclear Waste Fund to pay for these activities.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

This resolution will expire in June 2028. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.